

ORDINANCE NO. _____
CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

**AN ORDINANCE AMENDING SECTIONS 153.004 AND 153.050 THROUGH 153.128
OF THE WEST ST. PAUL CITY CODE REGARDING GROUP HOMES**

The City Council of West St. Paul does ordain:

SECTION 1. The following definitions are removed from West St. Paul City Code Section 153.004:

- Adult Day Care Facility;
- Adult Foster Care;
- Chemical Dependency Treatment Facility;
- Elderly Housing with Services Establishment;
- Overnight Shelter Facility; and
- Transitional Housing Facility.

SECTION 2. The following definition in West St. Paul City Code Section 153.004 is renamed from Residential Care Facility to Residential Care Facility, State-Licensed.

SECTION 3. West St. Paul City Code Sections 153.050 through 153.128 are hereby amended as follows:

§ 153.050 PERMITTED USES.

Within any “R-1A” One-Family Residential District, no structure or land shall be used except for one or more of the following uses:

- (A) One-family detached dwellings;
- (B) Public parks and playgrounds;
- (C) Public and parochial schools with the following conditions:

(1) No school building shall be located within 50 feet of any lot line of an abutting lot in an R District; and

(2) Where a school has an open play area abutting a street, a fence shall be erected 15 feet or more from the street right-of-way.

(D) Churches, including those related structures located on the same site which are an integral part of the church property, such as convents or homes for persons related to a religious function on the same site with the following conditions:

(1) No church building shall be located within 50 feet of any lot line of an abutting lot in an R District; and

(2) No more than ten persons shall reside on the site.

(E) Municipal buildings and structures including storage of maintenance equipment and trucks. No building shall be located within 50 feet of any lot line of an abutting lot in an R District;

(F) A state licensed residential care facility or a housing with services establishment registered under Chapter 144D serving six or fewer persons, a licensed day care center serving 12 or fewer persons ~~as defined in § 153.004~~, or a group family day care facility licensed under Minn. Rules 9502.0315 to 9502.0445, to serve 14 or fewer children;

(G) Radio and television antennas, subject to the provisions in § 153.395;

(H) Satellite dish antennas less than one meter (39 inches) in diameter;

(I) Those uses as permitted and regulated in § 153.006; and/or

~~(J) — A state licensed child day care facility serving 12 or fewer children;~~

~~(K) — A state licensed adult day care facility serving 12 or fewer adults;~~

~~(L) — A state licensed adult foster care program serving 12 or fewer adults;~~

~~(M) — Residential hospice facility serving eight or fewer hospice patients;~~

~~(N) — Transitional housing facility serving a total of four or fewer adults and children; and/or~~

~~(O)~~ (J) Farmers market for the sale of agricultural and horticultural products.

(Ord. 08-09, passed - -; Ord. 08-17, passed - -; Ord. passed 10-11-1963)

§ 153.051 CONDITIONAL USES.

Within any R-1A One-Family Residential District, no structure or land shall be used for the following uses, except by conditional use permit:

(A) Golf courses, country clubs, tennis clubs, public swimming pools serving more than one family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R District, and accessory structure shall be a minimum of 50 feet from any lot line;

(B) Essential service structures, including, but not limited to, buildings, such as telephone exchange stations, booster or pressure regulating stations, wells and pumping stations, elevated

tanks, lift stations and electrical power substation provided no building shall be located within 50 feet from any lot line of an abutting lot in an R District. Prior to granting the permit it shall be found that the architectural design of essential service structures is compatible to the neighborhood in which it is to be located and thus will promote the general welfare;

(C) Commercial greenhouses provided all outside storage is fenced in such a manner so as to screen the stored material from view when observed from the public street or an adjoining lot;

(D) Nursing homes, retirement homes, elderly housing with services establishments and state licensed residential uses.

(1) For nursing homes the site shall contain not less than 1,000 square feet of lot area for each person to be accommodated and buildings for uses described in this division are 50 feet or more from a lot line of an abutting lot in an R-1, R-2 or R-3 District.

(2) For retirement homes, elderly housing with services establishments and state licensed residential uses, the site shall contain not less than 3,500 square feet of lot area per dwelling unit. Parking facilities shall be equal to one space for each dwelling unit and proof of the availability of one additional space per unit.

(3) All parking for facilities in this section shall comply with §§ 153.345 through 153.351.

(E) A state licensed child day care facility serving 13 or more provided that the conditional use be in structures at least 50 feet of any lot line of an abutting lot in an R District and that a fence be erected 15 feet or more from any street right-of-way where the intended use is for open play;

(F) Off-street parking when the proposed site of the off-street parking abuts on a lot which is in the B or I District and is in the same ownership as the land in the B or I District and subject to those conditions set forth in §§ 153.345 through 153.351, and other conditions as found necessary by the City Council to carry out the intent of this chapter;

(G) School buildings which are a part of the physical system of the school district but which are considered temporarily in surplus may be used as research centers, offices not directly serving the public or for some form of educational activity provided:

(1) The off-street parking requirements are met; and

(2) The work day of the use falls between 7:00 a.m. and 7:00 p.m.

(H) Commercial buildings which have previously been classified and certified as nonconforming uses at the time of the effective date of this chapter may be used as the same nonconforming or less intense use provided:

(1) The off-street parking requirements for the use are met;

(2) The hours of operation of the use shall be determined by the City Council;

(3) The structure is significant to the neighborhood and its continued active use will not be detrimental to the value of quiet enjoyment or surrounding residential properties; and

(4) The use would be normally allowed as a permitted use in the B-2 Neighborhood Business District.

(I) Satellite dish antennas greater than one meter (39 inches) in diameter. See § 153.396;

(J) Bed and breakfast residence;

(K) Elderly community education center, provided that it is located in a building that contains a civic or community center or a multifamily elderly residential housing facility;

~~(L) Residential hospice facility serving from nine to 12 hospice patients;~~

~~(M) Shelter for battered persons serving a total of six or fewer persons, including adults and children;~~

~~(N) Overnight shelter facility serving a total of six or fewer persons, including adults and children;~~

~~(O)~~(L) School with more than four accessory buildings or structures; or

~~(P)~~(M) On-site residential housing for an educational facility operating ~~school owned and operated~~ in conjunction with a permitted principal use, provided:

(1) Housing structures are limited to three stories in height;

(2) The number of on-site residents is limited to 200; and

(3) Housing structures must meet the building setback requirements from adjacent property lines as outlined in § 153.128.

~~(Q)~~(N) Columbaria, provided they are located on the same property as an existing church and located a minimum of 50 feet from any property line.

(Ord. 03-04, passed - -; Ord. 08-09, passed - -; Ord. 09-02, passed - -; Ord. 11-10, passed - -; Ord. passed 10-11-1963)

§ 153.052 PERMITTED ACCESSORY USES.

Within any R-1A One-Family Use District, the following uses shall be permitted accessory uses:

- (A) Private garages and parking spaces;
- (B) Private swimming pool and tennis court;
- (C) Home occupations as defined herein, provided that:
 - (1) Only persons residing in the dwelling shall be engaged in the occupation;
 - (2) The occupation shall be conducted entirely within the principal structure;
 - (3) Evidence of the occupation shall not be visible from the street;
 - (4) No stock or warehousing for the occupation shall be stored on the premises;
 - (5) Over-the-counter retail sales are not involved;
 - (6) There shall be no more than three parking spaces for the occupant and visitors;
 - (7) No accessory building or attached garage shall be used for the home occupation;and
 - (8) Property cannot be used as a meeting location for employees.
- (D) Signs as regulated by §§ 153.430 through 153.438 and by §§ 150.105 through 150.110;
- (E) Temporary buildings located for purposes of construction on the premises for a period not to exceed time necessary for the construction;
- (F) Gardening and other horticultural uses where no sale of products is conducted on the premises;
- (G) Decorative landscape features;
- (H) The keeping of domestic animals for noncommercial purposes for use of the occupants of the premises, provided that any accessory building used for housing the animals shall be located not less than 30 feet from the nearest residence, and provided further that the keeping of the animals shall be subject to requirements of the city code; and
- (I) Storage buildings subject to § 153.380.

(Ord. 04-15, passed - -; Ord. passed 10-11-1963)

§ 153.053 LOT AREA, HEIGHTS, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

(A) No structure or building shall exceed 30 feet in height as defined in § 153.004 “Building Height,” except as provided in § 153.009.

(B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter.

<i>Lot Area</i>	
Corner lot	9,100 square feet
Interior lot	7,000 square feet

Lot Width	
Corner lot	65 feet
Interior lot	50 feet

Yard, Building Setback	
Front	30 feet
Rear	30 feet or 20% of average lot depth, whichever is greater
Side	5 feet adjacent to another lot
	20 feet adjacent to street

(C) (1) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator.

(2) Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

(Ord. 09-19, passed - -; Ord. passed 10-11-1963)

§ 153.065 PERMITTED USES.

Within the R-1B One-Family Residential District, no land or structure shall be used except for one or more of the following uses: any permitted use regulated in the R-1A District, § 153.050.

(Ord. 99-03, passed - -; Ord. passed 10-11-1963)

§ 153.066 CONDITIONAL USES.

Within any R-1B One-Family Residential District, no structure or land shall be used for the following uses except by conditional use permit: any conditional use regulated in the R-1A District, § 153.051.
(Ord. passed 10-11-1963)

§ 153.067 PERMITTED ACCESSORY USES.

Within any R-1B One-Family Use District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

(Ord. passed 10-11-1963)

§ 153.068 LOT AREA, HEIGHT, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

(A) No structure or building shall exceed 30 feet in height as defined in § 153.004 "Building Height," except as provided in § 153.009.

(B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter:

<i>Lot Area</i>	
Corner lot	12,500 square feet
Interior lot	10,000 square feet

Lot Width	
Corner lot	90 feet
Interior lot	75 feet

Yard, Building Setback	
Front	30 feet
Rear	30 feet or 20% of average lot depth, whichever is greater
Side	9 feet one side/6 feet one side
	20 feet adjacent to street

(C) (1) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator.

(2) Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

(Ord. 09-19, passed - -; Ord. passed 10-11-1963)

§ 153.080 PERMITTED USES.

Within the R-1C One-Family Residential District, no land or structure shall be used except for one or more of the following uses: any permitted use regulated in the R-1A District, § 153.050.

(Ord. 99-03, passed - -; Ord. passed 10-11-1963)

§ 153.081 CONDITIONAL USES.

Within any R-1C One-Family Residential District, no structure or land shall be used for the following uses except by conditional use permit: any conditional use regulated in the R-1A District, § 153.051.

(Ord. passed 10-11-1963)

§ 153.082 PERMITTED ACCESSORY USES.

Within any R-1C One-Family Residential District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

(Ord. passed 10-11-1963)

§ 153.083 LOT AREA, HEIGHT, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

(A) No structure or building shall exceed 30 feet in height as defined in § 153.004 “Building Height,” except as provided in § 153.009 of this chapter.

(B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter:

<i>Lot Area*</i>	
Corner lot	15,000 square feet
Interior lot	15,000 square feet
*A 10% deviation in lot width and/or area may be permitted provided the average lot area for each plat or subdivision shall not be less than 15,000 square feet, and the average lot width not less than 100 feet	

<i>Lot Width*</i>	
Corner lot	100 feet
Interior lot	100 feet
*A 10% deviation in lot width and/or area may be	

permitted provided the average lot area for each plat or subdivision shall not be less than 15,000 square feet, and the average lot width not less than 100 feet

Yard, Building Setback	
Front	30 feet
Rear	30 feet or 20% of average lot depth, whichever is greater
Side	10 feet adjacent to another lot
	30 feet adjacent to street

(C) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator. Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheetmetal and corrugated metal.

(Ord. 09-18, passed - -; Ord. passed 10-11-1963)

§ 153.095 PERMITTED USES.

Within the R-2 Two-Family Residential District, no structure or land shall be used, except for one or more of the following uses:

(A) Any permitted use regulated in the R-1A District, § 153.050; and/or

(B) Two-family dwelling~~;~~.

~~(C) Transitional housing facility serving a total of four or fewer adults and children. The facility may not be located in a duplex unless it occupies the entire structure; and/or~~

~~(D) Overnight shelter facility serving a total of six or fewer persons, including adults and children. The facility may not be located in a duplex unless it occupies the entire structure.~~

(Ord. 99-03, passed - -; Ord. passed 10-11-1963)

§ 153.096 CONDITIONAL USES.

Within any R-2 Two-Family Residential District, no structure or land shall be used for the following uses except by conditional use permit: Any conditional use regulated in the R-1A District, § 153.051.

(Ord. passed 10-11-1963)

§ 153.097 PERMITTED ACCESSORY USES.

Within the R-2 Two-Family Residential District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

(Ord. passed 10-11-1963)

§ 153.098 LOT AREA, HEIGHT, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

(A) No structure or building shall exceed 30 feet in height as defined in § 153.004 “Building Height,” except as provided in § 153.009 of this chapter.

(B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter:

- (1) Lot area: 15,000 square feet;
- (2) Lot width:
 - (a) Yard, building setback: 100 feet;
 - (b) Front: 30 feet;
 - (c) Side: ten feet adjacent to another lot, 20 feet adjacent to street; and
 - (d) Rear: 30 feet or 20% of average lot depth, whichever is greater.
- (3) Lot area per dwelling unit: 7,500 square feet.

(C) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator. Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

(Ord. 09-19, passed - -; Ord. passed 10-11-1963)

§ 153.110 PERMITTED USES.

Within any R-3 Townhouse Residential District, no structure or land shall be used except for of the following uses:

- (A) Structures housing three to eight dwelling units; and
- (B) Farmers market for the sale of agricultural and horticultural products.

(Ord. passed 10-11-1963)

§ 153.111 CONDITIONAL USES.

Within the R-3 Townhouse Residential District, no structure or land shall be used for the following uses except by conditional use permit:

- (A) Any conditional use regulated in the R-1A District, § 153.051;
- (B) Multiple dwelling structures containing more than eight dwelling units;
- (C) Two-family dwellings subject to lot and yard requirements of the R-2 District, § 153.098;
or

~~(D) A state licensed child day care facility;~~

~~(E)~~ (D) State licensed residential care facility serving up to from 7 through 16 persons or a licensed day care facility serving from 13 through 16 persons.

~~(F) A state licensed adult day care facility serving up to 16 adults;~~

~~(G) A state licensed adult foster care serving up to 16 adults;~~

~~(H) Shelter for battered persons serving a total of up to 16 persons, including adults and children;~~

~~(I) Overnight shelter facility serving a total of up to 16 persons, including adults and children. The facility may not be located in a duplex or multi family dwelling unless it occupies the entire structure; or~~

~~(J) Transitional housing facility serving a total of up to 16 persons, including adults and children. The facility may not be located in a duplex or multi family dwelling, unless it occupies the entire structure.~~

(Ord. passed 10-11-1963)

§ 153.112 PERMITTED ACCESSORY USES.

Within the R-3 Townhouse Residential District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

(Ord. passed 10-11-1963)

§ 153.113 LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS.

(A) No limit shall be placed on height of buildings in this R-3 Zone, except that buildings over 35 feet shall have front, side and rear yards not less than one-half of the height of the building.

(B) The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications as set forth elsewhere in this chapter:

- (1) Lot area per dwelling unit: 5,500 square feet;
- (2) Lot width: 100 feet;
- (3) Yard, building setback:
 - (a) Front: 30 feet;
 - (b) Side: ten feet adjacent to another lot, 20 feet adjacent to street, except where the lot in question abuts any R-1 District where the side yard setback shall conform to the established setback or 30 feet, whichever is greater; and
 - (c) Rear: 30 feet or 20% of average lot depth, whichever is greater.
- (4) Distance between principal structures: 30 feet.

(C) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator. Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

(Ord. 09-19, passed - -; Ord. passed 10-11-1963)

§ 153.125 PERMITTED USES.

Within the R-4 Multiple-Family District, no structure or land shall be used except for the following use:

- (A) Structures housing three to 16 multiple-family dwelling units; and
- (B) Farmers market for the sale of agricultural and horticultural products.

(Ord. passed 10-11-1963)

§ 153.126 CONDITIONAL USES.

Within the R-4 Multiple-Family District, no structure or land shall be used for the following uses except by conditional use permit:

- (A) Any conditional use regulated in the R-1A District by § 153.051;

(B) Structure or structures over three stories in height or where ceilings of any dwelling unit are more than 31 feet above average grade;

(C) Two-family dwellings;

(D) Structure or structures containing more than 16 dwelling units;

~~(E) — A state licensed child day care facility;~~

~~(F)~~(E) A state licensed residential care facility serving ~~up to 7~~ through 16 persons or licensed day care facility serving from 13 through 16 persons;

~~(G)~~(F) Private clubs and lodges provided buildings are not less than 30 feet from a lot line of an abutting lot in an R District;

~~(H)~~(G) Private swimming pools intended for and used solely by the occupants of the property in which it is located and their guests, provided the water surface of the pool is located not less than 15 feet from any lot line, that the pump and filter installed be not less than 25 feet from any lot line and that the pool area be so fenced as to prevent uncontrolled access from the street or from adjacent property;

~~(I)~~(H) Nursing homes, retirement homes;

~~(J)~~(I) Hospitals provided the site shall contain not less than 800 square feet of lot area for each person to be accommodated, and provided the lot line is 50 feet or more from a lot line of an R-1, R-2 or R-3 District; or

~~(K)~~(J) Community centers as part of a multiple-family complex, provided the community center is located within setbacks no less than any other structure permitted in the district; does not exceed the height or size of the principal buildings(s); and shall be subject to the parking standards as set forth in §§ 153.345 through 153.351. For purposes of this division (K), of the term **COMMUNITY CENTERS** shall include meeting space, offices, bathrooms, indoor pool, indoor recreational space, limited kitchen facilities and related storage~~;~~.

~~(L) — A state licensed adult day care facility serving up to 16 adults;~~

~~(M) — A state licensed adult foster care serving up to 16 adults;~~

~~(N) — Shelter for battered persons serving a total of up to 16 persons, including adults and children;~~

~~(O) — Chemical dependency treatment facility serving a total of up to 16 persons. The facility may not be located in a duplex or multi family dwelling unless it occupies the entire structure. The facility shall be located at least 600 feet, when measured in a straight line from the property line in which the facility is located to the property line of the following:~~

~~(1) A licensed child day care facility;~~

~~(2) A public or private educational facility classified as an elementary, middle, junior high or senior high school; or~~

~~(3) Single family or two family use.~~

~~(P) Overnight shelter facility serving a total of up to 16 persons, including adults and children. The facility may not be located in a duplex or multi family dwelling unless it occupies the entire structure; or~~

~~(Q) Transitional housing facility serving a total of up to 16 persons, including adults and children. The facility may not be located in a duplex or multi family dwelling unless it occupies the entire structure.~~

(Ord. 99-03, passed - -; Ord. 08-09, passed - -; Ord. passed 10-11-1963)

§ 153.127 PERMITTED ACCESSORY USES.

Within the R-4 Multiple-Family District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

(Ord. passed 10-11-1963)

§ 153.128 LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS.

(A) The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications as set forth elsewhere in this chapter. Minimum requirements for three or more dwelling units:

(1) Lot area per dwelling unit: 3,500. For dwelling units with more than two bedrooms, an additional 1,750 square feet is required;

(2) Lot width: 200 feet;

(3) Yard, building setback:

(a) Front: 50 feet, plus one foot per foot of building height over 50 feet;

(b) Side: 40 feet, plus one-half foot per foot of building height over 50 feet;
and

(c) Rear: 40 feet, plus one-half foot per foot of building height over 50 feet.

(4) Distance between principal structures: 50 feet.

Formatted: No bullets or numbering

(B) Building height: no maximum height for buildings with three or more units.

(C) Storage space requirement: a minimum of 96 cubic feet of miscellaneous storage space shall be provided for each dwelling within the principal structure containing the unit. The space shall be in addition to normal storage space provided in wardrobes, cabinets and closets or linen closets.

(D) (1) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator.

(2) Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

(Ord. 09-19, passed - -; Ord. passed 10-11-1963)

SECTION 4. The following section is added to the West St. Paul City Code prohibiting certain uses in the B-1 zoning district:

§ 153.145 PROHIBITED USES

Within the B-1 Limited Business District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 5. The following section is added to the West St. Paul City Code prohibiting certain uses in the B-2 zoning district:

§ 153.160 PROHIBITED USES

Within the B-2 Neighborhood Business District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 6. The following section is added to the West St. Paul City Code prohibiting certain uses in the B-3 zoning district:

§ 153.175 PROHIBITED USES

Within the B-3 General Business District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 7. The following section is added to the West St. Paul City Code prohibiting certain uses in the B-4 zoning district:

§ 153.192 PROHIBITED USES

Within the B-4 Shopping Center District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 8. Section 153.206 (N) of the West St. Paul City Code regarding conditional uses in the B-5 is hereby amended as follows:

(N) Retirement homes ~~or elderly housing with services establishment~~, provided that the site shall contain not less than 3,500 square feet of lot area per dwelling unit.

SECTION 9. The following section is added to the West St. Paul City Code prohibiting certain uses in the B-5 zoning district:

§ 153.210 PROHIBITED USES

Within the B-5 Gateway North Mixed Use District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 10. The following section is added to the West St. Paul City Code prohibiting certain uses in the B-6 zoning district:

§ 153.225 PROHIBITED USES

Within the B-6 Town Center Mixed Use District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 11. The following section is added to the West St. Paul City Code prohibiting certain uses in the I-1 zoning district:

§ 153.239 PROHIBITED USES

Within the I-1 Light Industrial District, the following uses are prohibited:

- (A) State-licensed residential care facilities;
- (B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 12. The following section is added to the West St. Paul City Code prohibiting certain uses in the I-2 zoning district:

§ 153.254 PROHIBITED USES

Within the I-2 General Industrial District, the following uses are prohibited:

- (A) State-licensed residential care facilities;
- (B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 13. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance is intended to mirror state law regarding the permission of certain residential care facilities in residential zoning districts. Since these uses are now categorized as being either licensed or registered with the state, the individual types of uses no longer need to be identified. Facilities serving 6 or fewer people are permitted uses in single-family zoning districts, while facilities with 7-16 people require a conditional use permit in multi-family zoning districts. Since these uses would be inappropriate for commercial or industrial districts, language was added to prohibit them in these areas.

SECTION 14. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this ____ day of _____, 2016.

Ayes:

Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk